

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Tex Ritter,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

(ECP)

Case 02-10-044

(Filed October 31, 2002)

**OPINION DISMISSING REQUEST FOR
SPECIFIC TELEPHONE NUMBERS**

1. Summary

Tex Ritter (Complainant) seeks an order from the Commission requiring SBC Pacific Bell Telephone Company (SBC Pacific Bell) to assign him two specific telephone numbers he had requested and to provide him with number referral service for one year, at no charge.

In this decision the Commission affirms that neither the utility nor the subscriber has a proprietary right in a telephone number.¹ At the same time,

¹ While not at issue in this case, pursuant to rules established by the Federal Communications Commission (FCC), a subscriber does possess the right to “port” or transfer his or her telephone number to another carrier.

SBC Pacific Bell's tariffs allow the utility to make reasonable changes to the telephone number assigned to a subscriber as the requirements of its service may demand. In this case, since the Complainant was inconvenienced by SBC Pacific Bell's assigning him one of the numbers he requested and then revoking the number assignment, SBC Pacific Bell is directed to provide Complainant with number referral service for 6 months, at no charge.

2. Positions of the Parties

Complainant states that since 1988 his business phone number was (909) 782-8282 and his home phone number was (909) 783-8383. Upon moving into the (707) calling area, he requested SBC Pacific Bell to provide him with the numbers (707) 783-8383 and (707) 769-6969 for his two telephone lines. SBC Pacific Bell denied his request for the 8383 number, but granted his request for the 6969 number. He received a billing notice confirming that the 6969 number had been assigned to him. Then, SBC Pacific Bell revoked the 6969 number and gave him another number, which he finds unacceptable. SBC Pacific Bell told him that specialty (repeating) numbers are reserved for future business use and are not available to members of the public. Since the numbers Complaint seeks are available, he requests the Commission to order SBC Pacific Bell to assign the numbers to him. He also requests the Commission to order SBC Pacific Bell to provide him with number referral service for 12-months, at no charge. Complainant believes that he has the right to request a specific number just like any other entity.

SBC Pacific Bell says that its service representative incorrectly assigned Complainant the 6969 number and provided Complainant with a computer generated confirmation to that effect. Subsequently, SBC Pacific Bell informed Complainant that the number was not available because it was part of a block of

consecutive numbers reserved for a future Centrex customer. SBC Pacific Bell asserts that it is in compliance with its applicable tariff that states:

The assignment of a number to a customer's telephone service will be made at the discretion of the Utility. The customer has no proprietary right in the number and the Utility may make such reasonable changes in telephone number or central office designation as the requirements of the service may demand. (Schedule Cal. P.U.C. No. AZ.1.17.)

3. Discussion

According to SBC Pacific Bell, it needs to manage and assign telephone numbers based on demand for service. While this is correct, we note that like all telecommunications carriers, SBC Pacific Bell also is bound by state and federal number management practices as set forth in relevant decisions of this Commission and of the FCC.

Telephone numbers assigned to a subscriber for his or her use during the telephone subscription period remain within the inventory of numbers allocated to the utility by the North American Numbering Plan Administrator (NANPA). Once in the utility's number inventory, the subscriber's use of a particular number is governed by the relevant state and federal rules pertaining to number use, as well as by the utility's tariffs, so long as the tariffs are consistent with the applicable rules.

Because the FCC has determined that telephone numbers are a public resource, neither the subscriber nor the utility possesses a proprietary interest in the number assigned to a particular subscriber. For example, barring a technical impediment, the subscriber may port his or her number to another carrier providing serviced in the subscriber's rate center. Still, neither FCC nor CPUC rules prohibit SBC Pacific Bell from managing its number inventory as business demands require, as long as SBC Pacific Bell is complying with applicable rules

and its tariffs. We find no evidence here that SBC Pacific Bell has failed to comply with applicable rules, and its revocation of the subscriber's number is allowable under its tariff. *See* SBC Pacific Bell Tariff Rule 17 set forth above. Therefore, we deny Complainant's request that he be assigned the numbers he seeks. However, since Complainant has been inconvenienced by SBC Pacific Bell assigning him the 6969 number and then revoking it, SBC Pacific Bell should provide Complainant with number referral service for 6 months, at no charge.

4. Procedural Summary

SBC Pacific Bell filed its answer to the complaint on December 10, 2002, and Complainant filed his Response to the Answer on January 6, 2003. Since there are no facts in dispute, this matter was submitted for decision based on the pleadings filed by the parties.

5. Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Bertram D. Patrick is the assigned Administrative Law Judge in this proceeding.

Finding of Fact

1. SBC Pacific Bell's tariff rule 17 provides that the assignment of telephone numbers is within the discretion of the utility and a subscriber is not entitled to assert a proprietary right to any number.

Conclusions of Law

1. Complainant has not alleged or shown that SBC Pacific Bell's actions violate the law or any rule or order of this Commission; therefore, the complaint should be dismissed.

2. Since Complainant was inconvenienced by SBC Pacific Bell assigning him the 6969 number and then revoking it, SBC Pacific Bell should provide Complainant with number referral service for 6 months, at no charge.

O R D E R

IT IS ORDERED that:

1. SBC Pacific Bell Telephone Company shall provide Tex Ritter with number referral service for 6-months, at no charge.

2. The complaint is dismissed.

3. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.